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December 9, 2020

VIA ECF

Honorable John G. Koeltl
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Application granted.
SO ORDERED

December 10, 2020
New York, NY

/s/ John G. Koeltl
John G. Koeltl
U.S.D.J.

Re: Levar Henry v. City of New York, et al.
17 Civ. 3450 (JGK) (SDA)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department, and the attorney assigned to the defense of the above-referenced matter. Defendants write to respectfully request a brief extension of one week to file their Motion for summary judgment, i.e., from December 11, 2020 to and including December 18, 2020. Defendants contacted Plaintiff to obtain his consent for this application. However, it appears that Plaintiff believes he is still represented by counsel because he would not discuss the extension with defense counsel. Instead, Plaintiff referred counsel to his former *pro bono* attorney, who as the Court is aware, no longer represents Plaintiff in this matter.¹

Defendants submitted a pre-motion application on October 28, 2020, regarding their anticipated motion for summary judgment. The Court held a pre-motion conference, via telephone, on November 4, 2020. Pursuant to the Court's Order dated November 5, 2020, Defendants' motion is due on December 11, 2020. However due to other work obligations, that arose after Defendants agreed to the motion schedule, including motion practice on other matters, Defendants' are unable to complete the motion within the currently proscribed timeframe.

¹ Defendants will continue their attempts to communicate with Plaintiff by telephone and mail.

Should the Court grant Defendants' application, Defendants seek the Court's endorsement of the following revised motion schedule:

- Defendants to serve their motion by December 18, 2020;
- Plaintiff to serve his opposition by January 15, 2021; and
- Defendants to serve their reply, if any, no later than February 5, 2021.

Defendants thank the Court for its time and consideration herein.

Respectfully submitted,

MaryBeth Allen /s

MaryBeth Allen

Senior Counsel

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cc: **VIA MAIL**
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